

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

CARTER HUTCHISON WILSON
SHAWNA LEAH WILSON
SSN: XXX-XX-3557/3580
1425 NORTH GREENHILL ROAD
MOUNT JULIET, TN 37122
Debtors.

CHAPTER: 13
CASE NO.: 15-02723
JUDGE: LUNDIN

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: December 4, 2015
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: December 16, 2015 at 8:30 a.m.
Courtroom 1, Customs House, 701 Broadway, Nashville, Tennessee 37203.

NOTICE AND MOTION TO MODIFY PLAN

Debtors have asked the Court for the following relief: to modify the terms of their chapter 13 plan.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion, then on or before **December 4, 2015**, you or your attorney must:

1. File with the court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at 615-736-5584. You may also visit the Bankruptcy Court in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (M - F, 8:00 A.M. - 4:00 P.M.).

2. **Your response must state that the deadline for filing responses is December 4, 2015, the date of the scheduled hearing is December 16, 2015, and the motion to which you are responding is the Motion to Modify Plan.**
3. You must serve your response or objection by **electronic service through the Electronic Filing system** described above. You must also mail a copy of your response or objection to Debtors' Counsel at:

Joshua A. Coles, Coles & Holton, LLP, Counsel for Debtors, 764 Roycroft Place, Nashville, TN 37203; and
All creditors and parties in interest per the attached Certificate of Service.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at www.tnmb.uscourts.gov.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: November 13, 2015

/s/ Joshua A. Coles
Joshua A. Coles, #028257
Coles & Holton, LLP
764 Roycroft Place
Nashville, TN 37203
Phone: 615-712-9537
Fax: 615-712-9768
josh.coles@colesandholton.com

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**CASE NO. 15-02723
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JUDGE LUNDIN**

MOTION WITH NOTICE THEREOF TO MODIFY CHAPTER 13 PLAN

Come now the Debtors, by and through counsel, and would show unto this Honorable Court the following:

1. Debtors filed a Petition for Relief with this Court on April 21, 2015, and his case was confirmed on July 20, 2015.
2. Debtors request a modification of their chapter 13 plan to pay their mortgage obligation, which was to be paid as a long-term debt pursuant to the Order Confirming Plan, as a secured claim with the value of the property determined pursuant to 11 U.S.C. § 506. Subsequent to the entry of the Order Confirming Plan, the Fay Servicing LLC filed its claim that revealed that the mortgage obligation matured on August 20, 2013, prior to this case being filed.
3. The plan must be modified to remain feasible.
4. That Class 1 and Class 2 shall not be affected as the filing fee has been paid in full.
5. That this modification, if approved by the Court, shall continue to treat the secured claim of Fay Servicing LLC as Class 3 but shall be paid pursuant to 11 U.S.C. § 506. The secured claim is \$30,383.63 with a value of \$166,900.00. The interest rate shall be 3.25% with a monthly payment of \$595.35 to be paid over the remaining 55 months.
6. That Class 4 shall not be affected as the Debtors' attorney's fees have been paid in full.
7. That this modification, if approved by the Court, shall change unsecured claims to Class 5, taking the place of the mortgage arrearage listed in the Order Confirming Plan. The mortgage arrearage shall be paid as Class 3 indicated above. Unsecured claims in Class 5 shall be paid as originally confirmed, a pro rate payment of a dividend of at least 103.25%.
8. That this modification, if approved by the Court, Class 6 shall be reclassified to take the place of Class 7 (post-petition claims, allowed pursuant to 11 U.S.C. § 1305).
9. That this modification, if approved by the Court, shall eliminate Class 7 as it is no longer necessary.
8. That the Debtors have been making payments on the original Chapter 13 plan totaling \$7,876.00.

9. That the required amount to complete the Chapter 13 Plan, if the modification is approved by the Court, at a 103.25% payoff, is approximately \$49,019.00 to be paid over the remaining 55 months, which is \$891.25 monthly, with a base amount of N/A.

WHEREFORE, DEBTORS PRAYS as follows:

1. That Class 1 and Class 2 shall not be affected as the filing fee has been paid in full.
2. That the claim of Fay Servicing LLC shall be modified to a secured claim Class 3 paid pursuant to 11 U.S.C. § 506. The secured claim is \$30,383.63 with a value of \$166,900.00. The interest rate shall be 3.25% with a monthly payment of \$595.35 to be paid over the remaining 55 months.
3. That Class 4 shall not be affected as the Debtors' attorney's fees have been paid in full.
4. That unsecured claims shall be modified to Class 5, taking the place of the mortgage arrearage listed in the Order Confirming Plan. Unsecured claims in Class 5 shall be paid as originally confirmed, a pro rate payment of a dividend of at least 103.25%.
5. That Class 6 shall be reclassified to take the place of Class 7 (post-petition claims, allowed pursuant to 11 U.S.C. § 1305).
6. That Class 7 shall be eliminated as unnecessary.
7. That the monthly payment shall be modified to \$891.25, with a base amount of N/A.

Date: November 13, 2015

Signature:

/s/ Joshua A. Coles
Joshua A. Coles, #028257
Coles & Holton, LLP
764 Roycroft Place
Nashville, TN 37203
Phone: 615-712-9537
Fax: 615-712-9768
josh.coles@colesandholton.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Modify with Notice thereof has been forwarded via electronic filing to the U.S. Trustee, and the Chapter 13 Trustee, and via first class mail, postage prepaid to all creditors listed below on this 13th day of November, 2015.

/s/ Joshua A. Coles
Joshua A. Coles, #028257

ALDRIDGE PITE LLP, 4375 JUTLAND DRIVE, SUITE 200, P.O. BOX 17933, SAN DIEGO, CA 92177-0933;
AWA COLLECTIONS, P.O. BOX 6605, ORANGE CA 92863-6605;
BANK OF AMERICA, P.O. BOX 982235, EL PASO TX 79998-2235;

BANK OF AMERICA, 1800 TAPO CANYON ROAD, SIMI VALLEY CA 93063;
CAPITAL ONE/BEST BUY, P.O. BOX 5253, CAROL STREAM IL 60197;
CAVALRY SPV I, LLC, 500 SUMMIT LAKE DRIVE, SUITE 400, VALHALLA NY 10595;
CB OF THE HUDSON VALLEY, N. PLANK ROAD, NEWBURGH NY 12550;
COMENITY BANK/EDDIE BAUER, 995 WEST 122ND AVENUE, DENVER CO 80234;
DBA PARAGON REVENUE GR, PO BOX 126, CONCORD NC 28026;
ESB/HARLEY DAVIDSON CREDIT, PO BOX 21829, CARSON CITY NV 89721;
FAY SERVICING LLC, 939 WEST NORTH AVENUE, SUITE 680, CHICAGO, IL 60642;
FRANKLIN COLLECTION SERVICES, 2978 WEST JACKSON STREET, TUPELO MS 38803;
GLOBAL PAYMENTS CHECK, PO BOX 60659, CHICAGO IL 60659;
HARVARD COLLECTION SERVICES, 4839 N. ELSTON AVE., CHICAGO IL 60630;
JASON S. MANGRUM, 5217 MARYLAND WAY, SUITE 404 BRENTWOOD, TN 37027;
PORTFOLIO RECOVERY ASSOCIATES, POB 41067, NORFOLK, VA 23541;
QUANTUM3 GROUP LLC, AS AGENT FOR CP MEDICAL LLC, PO BOX 788, KIRKLAND, WA 98083-0788;
RADIOLOGY ALLIANCE, C/O FOX COLLECTION CENTER, PO BOX 528, GOODLETTSVILLE, TN 37070;
TARGET NATIONAL BANK, C/O TARGET CREDIT SERVICES, P.O. BOX 673, MINNEAPOLIS MN 55440-0673;
TEK-COLLECT, INC., 871 PARK STREET, COLUMBUS OH 43215;
US DEPARTMENT OF EDUCATION C/O NELNET, 3015 SOUTH PARKER ROAD, SUITE 400, AURORA, CO 80014;
WILSON & ASSOCIATES, PLLC, CREEKSIDE CROSSING III, 8 CADILLAC DRIVE, SUITE 120, BRENTWOOD TN 37027; and
WILSON COUNTY GENERAL SESSIONS COURT, 115 EAST HIGH STREET, LEBANON TN 37087.

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**CASE NO. 15-02723
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ORDER MODIFYING CHAPTER 13 PLAN

This matter is before the Court upon the Debtors' Motion with Notice Thereof to Modify Chapter 13 Plan. Either no timely opposition was filed pursuant to LBR 9013-1 or any objection raised was withdrawn or overruled by the Court at the Scheduled Hearing.

It is ORDERED:

1. That Class 1 and Class 2 shall not be affected as the filing fee has been paid in full.
2. That the claim of Fay Servicing LLC shall be modified to a secured claim Class 3 paid pursuant to 11 U.S.C. § 506. The secured claim is \$30,383.63 with a value of \$166,900.00. The interest rate shall be 3.25% with a monthly payment of \$595.35 to be paid over the remaining 55 months.
3. That Class 4 shall not be affected as the Debtors' attorney's fees have been paid in full.
4. That unsecured claims shall be modified to Class 5, taking the place of the mortgage arrearage listed in the Order Confirming Plan. Unsecured claims in Class 5 shall be paid as originally confirmed, a pro rate payment of a dividend of at least 103.25%.
5. That Class 6 shall be reclassified to take the place of Class 7 (post-petition claims, allowed pursuant to 11 U.S.C. § 1305).
6. That Class 7 shall be eliminated as unnecessary.
7. That the monthly payment shall be modified to \$891.25, with a base amount of N/A.

This order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/ Joshua A. Coles

Joshua A. Coles, #028257
Coles & Holton, LLP

PROPOSED

Attorney for Debtors
764 Roycroft Place
Nashville, TN 37203
(615) 712-9537; Fax: (615) 712-9768
josh.coles@colesandholton.com